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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Houston Specialty Insurance Company,

Plaintiff,

vs.

Leah Rekowski; K.R. (a minor); C.R. (a
minor); Brandy White; B.B. (a minor); N.B.
(a minor); A.B. (a minor); Jason Drew;
Robert Dale Fogel; Mikal Fogel; Carmelo
Patino; Allied World Surplus Lines
Insurance Company; Endurance American
Insurance Company; Hendrickson Truck
Lines, Inc.; Regional Fire & Rescue
Department, Inc.; Travelers Indemnity
Company; National Interstate Insurance;
John Does I-X; Jane Does I-X; ABC
Corporation I-X,

Defendants.

Case No. CV-23-01187-PHX-DLR

STATUS REPORT

Pursuant to the Court's Order dated September 29, 2023, undersigned counsel hereby provides a status report to the Court regarding Defendants as follows:

As of the Court's September 29, 2023 Order, the following Defendants either had not been served or had not yet filed an Answer to Houston Specialty Insurance Company's

1 (“HSIC”) Amended Complaint:

- 2 1. Jason Drew (service not complete, despite repeated attempts);
- 3 2. Robert Dale Fogel (served on 7/15/2023; no Answer filed);
- 4 3. Mikal Fogel (served on 7/15/2023; no Answer filed);
- 5 4. Endurance American Insurance Company (served on 7/14/2023; no Answer
- 6 filed); and
- 7 5. Regional Fire & Rescue Department, Inc. (served on 7/14/2023; no Answer
- 8 filed¹).
- 9
- 10

11 The following Defendants have filed Answers:

- 12 1. Carmelo Patino (Answer filed 9/14/2023);
- 13 2. Brandy White and minors B.B., N.B., and A.B. (Answer filed 9/15/2023);
- 14 3. Leah Rekowski (Answer filed 9/18/2023); and
- 15 4. Statutory beneficiaries K.R. and C.R. (Answer filed 9/18/2023);
- 16

17 Additionally, HSIC has dismissed the following Defendants as a result of their waiver
18 of claims identified in the Amended Complaint:

- 19 20 1. Allied World Surplus Lines Insurance Company (Voluntary dismissal on
- 21 9/7/2023);
- 22 2. Hendrickson Truck Lines Inc. (Voluntary dismissal on 9/21/2023);
- 23 3. National Interstate Insurance (Voluntary dismissal on 9/19/2023); and
- 24 4. Travelers Indemnity Company (Voluntary dismissal on 8/11/2023).
- 25
- 26

27 ¹ Regional Fire & Rescue subsequently filed its Answer on September 29, 2023 [Doc. 54],
28 after the Court’s Order was issued.

1 With respect to the Defendants who have been served and have not been dismissed,
 2 HSIC provides the following status: On September 24, 2023, HSIC mailed Defendants
 3 Endurance American Insurance Company (“Endurance”), Regional Fire & Rescue
 4 Department Incorporated (“Regional Fire & Rescue”), and Robert Dale and Mikal Fogel
 5 (“the Fogels”) a letter informing them that if they did not file an Answer to the Amended
 6 Interpleader Complaint on or before October 6, 2023, HSIC would file an Application for
 7 Entry of Default and initiate default proceedings against them. Since their receipt of that
 8 letter, Regional Fire & Rescue has filed its Answer [Doc. 54] and Mr. Fogel reached out to
 9 HSIC’s counsel indicating that the Fogels intend to file their Answers. Similarly,
 10 Endurance’s newly retained counsel contacted HSIC’s counsel and asked for a short
 11 extension of time to allow counsel to investigate the claims and file its Answer.
 12

13
 14 With respect to the sole remaining Defendant whom HSIC has been unable to
 15 personally serve, HSIC advises the Court that it filed a Motion for Leave to Serve Jason
 16 Drew by Publication and to Extend the Service Deadline [Doc. 42] on 9/18/2023. HSIC’s
 17 motion seeks additional time to complete service on Defendant Drew by publication. HSIC’s
 18 motion is pending the Court’s ruling.
 19

20
 21 RESPECTFULLY SUBMITTED this 3rd day of October, 2023.

22
 23 CHRISTIAN DICHTER & SLUGA, P.C.

24 By: s/ Amanda J. Taylor

Gena L. Sluga

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Attorneys for Attorneys for Houston Specialty
 Insurance Company

CERTIFICATE OF SERVICE

It is hereby certify that on October 3rd, 2023, the attached document was electronically transmitted to the Clerk's Office using the CM/ECF System for filing thereby transmitting a Notice of Electronic Filing to all CM/ECF registrants and emailing/ mailing the following:

Regional Fire & Rescue Department Incorporated
c/o Steven W Kerber, Fire Chief
7651 W McCartney Rd
Casa Grande, AZ 85194-7417
steven.kerber@regionalfire.org
Pro Per Defendant

Mikal Fogel
5532 Rabbit Ridge Lane
Edmond, OK 73025
Pro Per Defendant

Robert Dale Fogel
5532 Rabbit Ridge Lane
Edmond, OK 73025
rfogel@umich.edu
Pro Per Defendant

By: s/ Bryce Utter